

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 24, 2005

LB 13, 219, 737

the green copy of the bill. It provides that the Nebraska Supreme Court will have approval of the presiding judge of the compensation court and shall have approval of the rules and regulations relating to compensation court's adjudicatory function. It retains current law as to the assignment of work to the judges. It provides that the administrator will be approved by the compensation court and not the Legislature. It inserts a division between the presiding judge and the administrator, so that the presiding judge appoints a clerk and the employees that support the judicial proceedings, and assigns the work to those employees, and the administrator appoints the employees and assigns the work to carry out the duties of the administrator. And the original language was restored so that the compensation court determines the salaries of the court's employees versus the administrator making that determination. In addition to the changes in LB 13, this amendment incorporates LB 219, as amended by the committee. The primary change to the current law in LB 219 and this amendment is to allow a plaintiff to dismiss his or her claim without prejudice so long as the plaintiff is represented by an attorney. If the person is not represented by an attorney, then current law still applies. The other change in LB 219 strikes much of Section 1 and rewrites it in a user-friendly form and moves it to Section 16 through 20. Section 21 is the new language to the compensation statutes. It will require that generic drugs are used unless the doctor provides written verification that a nongeneric drug must be used. The last sections that I will want to call your attention to are Sections 3 and 23. As you know, this body must approve workers compensation claims against the state when the award settlement or judgment is over \$50,000. Now if you recall, we had three of those claims earlier in LB 737. Those were approved with the budget bills last week. And in current statute, there is the option of the court to assess a 50 percent penalty for waiting time. Now it was thought that the penalty would not apply until such time as the claims bill was through the legislative process and the appropriations bill was signed. However, earlier this session, the Nebraska Supreme Court, under the case of Soto v. the State of Nebraska, held that the compensation court may assess waiting time penalty if the award or judgment is not paid within 30 calendar days starting with the first day of the session. Now because of that decision the